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August 15, 2008

VIA FACSIMILE (212) 805-4258 (2 pages)

Hon. Debra Freeman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Frith v. Corey Hill, individually and as special agent of the ATF, Det. Tonia Hall, individually and as property clerk of the NYPD, Evan Bonfimld, individually and as property clerk of the NYPD, and Michael Henley individually and as property clerk of the NYPD, 07-CV-5899 (JSR)(DF)

Your Honor:

This office represents the New York City Police Department (the "NYPD"), formerly a defendant in the above-referenced litigation. This office is in the midst of completing its investigation of the manner and adequacy of service upon the newly-named City Defendants, Tonia Hall, Evan Bonfimld and Michael Henley, and although we do not currently represent them, this office again respectfully requests from the Court, on their behalf, an extension of time to respond to the Amended Complaint, until September 30, 2008. This office has recently communicated with Michael Henley, and is in the process of completing the statutorily required representational process. See Mercurio v. The City of New York, 758 F.2d 862 (2^d Cir. 1985) and NY Gen. Mun. Law §50-K. It is our understanding that Defendant Hall and Defendant Bonfimld are retired.

This is my third request for an extension. My first request for an extension, dated June 23, 2008, was triggered when I was informed by the NYPD that a copy of the Amended Complaint had been received in the mail for Defendant Hall. (It is the position of this office that such service on a retired member of service is inadequate.) The Court granted an extension until July 31, 2008. The Court endorsed my subsequent request, by letter dated July 30, 2008, for an extension until August 15, 2008. As Plaintiff is incarcerated and proceeding *pro se*, my request for an extension until September 30, 2008, is made directly to the Court.


MEMO ENDORSED

SO ORDERED: DATE: 8/20/08

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DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

Thank you for your consideration.

Respectfully submitted,


Mary O'Sullivan (MO-8495)
Assistant Corporation Counsel

cc: VIA FIRST CLASS MAIL
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